



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18 2015

To:

(b) (6)

OFFICE OF
INSPECTOR GENERAL

As the OIG Deputy Ethics Official, I approve your request to participate in an outside activity as an Independent Contractor, (b) (6) for Fred Pryor Seminars, as provided below.

You clarified that you are the managing member of (b) (6) and only working for Fred Pryor Seminars as a contractor to that entity, not as its employee. You described your outside activity, through (b) (6) as leading management seminars as assigned by Fred Pryor Seminars, a division of Park University Enterprises. You present standard formatted seminars, scheduled during the time period: 9am – 4:00pm. The course material is developed and provided by Fred Pryor Seminars. You anticipate presenting 4 – 8 seminars per month during which you will be on annual leave or leave without pay - as you stated was agreed upon by OIG for your acceptance of a position with OIG as (b) (6). Preparation for the seminars is done during your off-duty hours from OIG. The topics of the seminars include: general management; supervision; leadership and communications content.

You described your current responsibilities as providing general functional management knowledge and advisory support to the Chief of Staff and OIG Leadership. You also provide forensic and analytical auditing support for investigative work of OI's Special Agents, and providing general management advice in support of OI's business operations. All of this is on an intermittent and temporary basis with no supervisory or decision making authority or responsibility.

You stated that you are qualified as a seminar leader based on your education, experience, and 40 years as an adjunct professor.

First, because you have 40 years of experience as an adjunct professor, I find that you have experience as a seminar leader. As it appears from your request that this contractual relationship existed with Fred Pryor Seminars prior to your being hired as a (b) (6), I further conclude that it does not appear that the position teaching seminars was offered to you because of your official position.

For any of the course topics listed which may be generally within the EPA's or EPA-OIG's areas of responsibility, the applicable regulatory note provides an exception for teaching a subject "within the employee's discipline or inherent area of expertise based on his education

background or experience...” which I find applies based on your background as an adjunct professor for 40 years. See Note to 5 CFR 2635.807(a)(2)(i)(E).

I am providing you with the following guidance regarding ethics rules and prohibitions based on your description to OIG Office of Counsel of the activities in which you will be engaged:

- As a reminder, two criminal statutes (described below) generally prohibit employees from representing private interests, including those of an LLC, before the federal Government.

Under 18 USC § 205, federal employees generally cannot serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents employees from serving as agent or attorney for another back to the federal government for compensation, even in their own time. Therefore, for example, you would be prohibited from representing the LLC before the Internal Revenue Service in the event of an audit, or from inviting a federal employee to be a speaker at a seminar, or from negotiating a contract with the federal government.

For more general information regarding communications with the Government with respect to these two statutes, you may wish to consult an OGE website that summarizes this information. (see <http://www.oge.gov/Topics/Outside-Employment-and-Activities/Communications-with-the-Government/>)

- In addition, while unlikely to arise based on the information provided in your request, you should also be aware that under 18 USC § 208, a criminal conflict of interest law, federal employees are prohibited from any personal and substantial participation in any “particular matter” that will have a direct and predictable effect on a financial interest that is imputed to you. Generally, imputed interests include those of your spouse, any organization for which you serve as officer, employer, director, trustee, or general partner, or with which you are negotiating for, or have an arrangement concerning, prospective employment. The financial conflict of interest prohibition covers “particular matters”, which means any deliberation, decision, or action that is focused on the interests of specific persons.
- Because you are engaging in this outside employment activity in your personal capacity, you may not use or permit the use of your official position or title in a manner that appears to sanction or endorse your personal activities, for the purpose of sanctioning or endorsing such activities, or for inducing any benefit (financial or otherwise) to you or the LLC. See 5 CFR 2635.702(a)-(c).
- In addition, because you are speaking or teaching in your personal capacity, you must comply with the limitations outlined in 5 CFR 2635.807(b)(1) in making any reference to your official title and position, particularly, in regard to any

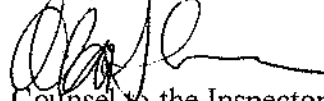
advertisements for your LLC. Therefore, you may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.

- You have certified that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
- As a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1, prohibits use of Government Office equipment for inappropriate activities (for personal use), which includes using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses (e.g., selling real estate, preparing tax returns for a fee); therefore, there is no de minimis use of Government Office equipment for your outside activity, which includes your government-issued computer/iphone, and government email account.
- You must continue to abide by the restrictions in 5 CFR Part 2635 and 5 CFR Section 6401.102.

This approval is valid for five years, and a copy of this approval will be retained by the Office of Counsel.

Please note that you will need to seek prior approval before you teach any other course or at any other educational institution. You are also responsible for reporting information regarding the LLC (e.g., outside position as a managing member) and any income (or as an arrangement for future employment) on your next financial disclosure report (OGE FORM 450), as appropriate.

Alan S. Larsen

A handwritten signature in black ink, appearing to read 'Alan S. Larsen', written over a horizontal line.

Counsel to the Inspector General

MEMORANDUM

DATE: October 7, 2015

SUBJECT: Request for Approval for Outside Employment or Activity for: Leading Management Seminar as assigned through Fred Pryor Seminars

FROM: (b) (6)

THRU: Aracely Nunez-Mattocks, Chief of Staff

TO: Counsel to the Inspector General



I am requesting permission to accept an opportunity to lead professional development seminars as an independent contractor, (b) (6) for Fred Pryor Seminars, a division of Park University Enterprises and is an internationally recognized leader in profession education.

The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

As an independent contractor of Fred Pryor Seminars, I will be presenting standard formatted seminars from 9:00 am to 4:00 pm at designated locations for both open enrollment seminars and on-site presentations to client entities who contract for services directly with Fred Pryor.

The seminar materials are developed by Fred Pryor. The role of the seminar leaders are to present to materials through lecture, discussion and class involvement exercises to stimulate and maximize the learning experience. The seminar topics and presentation format are designed for immediate practical application of knowledge, skills and abilities to a variety of participants.

Preparation for seminars is done entirely during off duty hours from the OIG. As a re-employed (b) (6) from the EPA OIG, presenting seminars through Fred Pryor will be (b) (6) to be paid on a standard fee per seminar basis. I anticipate presenting 4 to 8 seminars a month during which I will take annual leave or leave without pay – as agreed upon with (b) (6) (b) (6)

The topics of the seminars, all published titles by Fred Pryor, include a variety of general management, supervision, leadership and communications content. None of the topics or course content has any reference to or connection with EPA or the OIG. I am qualified as a seminar leader based upon my education, experience and over 40 years as an adjunct college professor.

I will use no official duty time or government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 § 6401.102.

(b) (6)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 3 1 2014

OFFICE OF
INSPECTOR GENERAL

To: (b) (6)

As the OIG Deputy Ethics Official, I am approving your request to engage in tax preparation activities for individuals.

You estimated earning (b) (6)

(b) (6) You also estimated engaging in this activity approximately 20 days during February through April on an annual basis. You have stated that this work would be performed entirely outside of normal duty hours.

You also stated that none of your clients works for, contracts with, or is in any way associated with the EPA. If in the future, you become aware of any clients that have EPA assistance agreements or contracts held by a person to or for whom services would be provided, please notify OIG Counsel.

While you may perform accounting services to prepare a tax return for a client, two criminal statutes (18 USC 203 and 18 USC 205) generally prohibit employees from representing private interests before the Government (e.g., representing your client in the case of an Internal Revenue Service audit). While not a substitute for specific advice, you may find the following general information provided by the Office of Government Ethics with respect to these two statutes helpful. (see <http://www.oge.gov/Topics/Outside-Employment-and-Activities/Communications-with-the-Government/>) In addition, you may also find a 1985 OGE advisory (85x3) regarding preparation of tax returns to be a helpful reference. <http://www.oge.gov/OGE-Advisories/Legal-Advisories/85x3--Government-Employee%e2%80%99s-Preparation-of-Tax>Returns-for-Taxpayers/>. I encourage you to contact OC for further specific guidance if you have any questions in this regard.

You stated that you are familiar with and will abide by restrictions described in 5 CFR part 2635 and 5 CFR 6401.102. I am reminding you here that you must continue to abide by these restrictions.

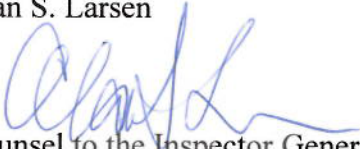
As you are aware, you cannot use official duty time or Government property, resources or facilities not available to the general public in this endeavor. If you conduct outside work during duty hours you will need to be on approved leave for that time. Also, be advised that there is no de minimis use exception if you engage in outside for-profit activities; EPA Order CIO 2101.0 (formerly 2100.3 A1) specifically prohibits use of Government office equipment for inappropriate activities such as: "[u]sing Government office equipment for commercial purposes or in support of other 'for profit' activities such as outside

employment or businesses (e.g., selling real estate, preparing tax returns for a fee).” (see <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>)

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Please also remember that if you are designated to file an OGE Confidential Financial Disclosure Form (OGE Form 450) you are responsible for reporting outside positions, related income or fees, and agreements and arrangements, as applicable.

Alan S. Larsen



Counsel to the Inspector General

MEMORANDUM

DATE: March 13, 2014

SUBJECT: Request for Approval for Outside Employment or Activity for preparing federal and state income taxes

FROM: (b) (6)

THRU:

TO: Counsel to the IG /

I am formally requesting permission to accept an opportunity to prepare federal and state income taxes for clients. The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that the employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

- Prepares income tax return forms for individuals: Reviews financial records, such as prior tax return forms, income statements, and documentation of expenditures to determine forms needed to prepare return. Compensation expected is (b) (6)
- This activity will be performed under the name of (b) (6)
- The estimated time to be devoted to the activity will be approximately twenty days during February to April (annually).
- This service will be performed entirely outside of normal duty hours.
- The basis for compensation will be (b) (6) with an estimate of (b) (6)

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

(b) (6)

Date: 3/13/2014

MEMORANDUM

DATE: May 15, 2018

SUBJECT: Request for Approval for Outside Employment or Activity for: Emergency Medical Technician Instructor

FROM:

THRU:

TO: Counsel to the Inspector General

I am requesting permission to accept an opportunity to continue with my outside employment as an instructor for students enrolled in an Emergency Medical Technician certification program. The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

(b) (6)

Since 2003, I have been a Certified Laboratory Instructor (CLI), licensed by the New York State Department of Health, Bureau of Emergency Medical Services. As such, I am authorized to provide instruction to students enrolled in a certified New York State Emergency Medical Technician (EMT) – Basic course. My compensation is (b) (6)

I work as a CLI for the Training Institute for Medical Emergencies and Rescue (TIMER). The mailing address is 1365 North Railroad Avenue, Staten Island, NY 10306. (b) (6) is the owner of TIMER and is the lead instructor for the institution.

In 2017, I made (b) (6) working as a CLI for TIMER. This equates to approximately 100 hours across the entire calendar year. I estimate to spend approximately the same amount of time working for TIMER in 2018 and beyond.

My duties at TIMER are performed almost exclusively on weekends. As a result, they do not interfere with my normal duty hours, or my law enforcement availability.

I am compensated via a check from TIMER, which I receive at the end of every EMT course (twice per calendar year). The check is based off of how many sessions I worked as a CLI during the course (b) (6) session, and each session consists of 3 to 4 hours of work).

There are no EPA assistance agreements with TIMER, and TIMER does not hold the position of working as an EPA contractor or subcontractor.

The EMT – Basic course reflects the new national EMS standards, as well as all of the New York State prehospital care protocols. The course curriculum will consist of anatomy, physiology, triage and treatment of trauma patients, CPR, patient assessment, medical emergencies, childbirth, pediatrics, geriatrics, pharmacology, psychological emergencies, extrication, and an introduction to hazardous materials, weapons of mass destruction, and terrorism.

My rate for all future courses will remain at (b) (6) (b) (6) The subject of this course is not related to my official OIG duties, but I often utilize my EMT instructor skills to support some of the training needs for the Office of Investigations.


I have been a New York State EMT – Basic for 20 years and a New York State certified instructor for 15 years. In addition, I have a Bachelor of Arts degree in (b) (6) as well as a Master's Degree (b) (6) My background and credentials provide me the opportunity to provide a high level of EMT related instruction.

I will use no official duty time or government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(b) (6)

Date: 05/15/18

To: (b) (6)

From: Alan S. Larsen, Deputy Ethics Official and Counsel to the Inspector General 

Date: June 7, 2018

RE: Approval of request for prior approval of an outside activity and ethics guidance

As the OIG Deputy Ethics Official, I approve your request to provide instruction to students for the New York state certification for Emergency Medical Technicians. The EMT-Basic course reflects the new national EMS standards, as well as all of the New York State prehospital care protocols. Course instruction includes topics such as cardiopulmonary resuscitation, patient assessment, childbirth, psychological emergencies, extrication, and introduction to hazardous materials.

Your position as a Clinical Laboratory Instructor is with the Training Institute for Medical Emergencies and Rescue in Staten Island, NY (TIMER). You indicated that you anticipate your annual compensation (b) (6)

You also indicate that this work would be almost exclusively on weekends, and stated therefore that it would not interfere with normal duty hours or your law enforcement availability. You estimate approximately 100 hours per year in this activity.

You are employed as (b) (6)

Further, you stated that the subject of this course is not related to your official OIG duties. Based on this description and the identified course, it does not appear that the subject matter of this course is related to your official duties at EPA.

Your background in this area includes being certified as a New York State EMT-Basic for twenty years, and a New York State certified instructor for fifteen years. Because you have extensive knowledge of the subject matter of the course based on your previous employment experience and education, it does not appear that this position was offered to you because of your official position. Even if the subject of the course were one generally within the EPA's or EPA-OIG's areas of responsibility, the applicable regulatory note provides an exception for teaching a subject "within the employee's discipline or inherent area of expertise based on his education background or experience..." which I find applies based on your prior experience and background. See Note to 5 CFR 2635.807(a)(2)(i)(E).

You also stated that there are no EPA assistance agreements with TIMER, and TIMER is not an EPA contractor or subcontractor.

Because you are engaging in this outside employment activity in your personal capacity, you must also comply with 5 CFR 2635.807(b)(1) in making any reference to your official title and position in regard

to this course. You may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.

I note that you read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. Further, you have certified that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I am reminding you here that you must continue to abide by these restrictions.

Please also remember that because you are designated to file an OGE Confidential Financial Disclosure Form (OGE Form 450), you are responsible for reporting outside positions and agreements and arrangements, as applicable.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Finally, please be mindful that this outside activity cannot interfere in any way with your assigned duties as a Special Agent or sufficient hours, on average, to qualify for law enforcement availability pay.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 10 2015

OFFICE OF
INSPECTOR GENERAL

To: (b) (6)

As the OIG Deputy Ethics Official, I approve your request to engage in pro bono activity through the DOJ Pro Bono Program.¹

Specifically, you indicated that you will be participating through the Department of Justice pro bono program as a volunteer lawyer for: the DC Bar Advice & Referral Clinic and the DC Employment Justice Center's Worker's Rights Clinic, which are both walk-in legal clinics operated by the District of Columbia Volunteer Lawyers Project.

You do not anticipate any issues involving EPA assistance agreements or contracts, but will exercise due diligence in this regard. You also stated that this is a pro bono activity for which you will receive (b) (6). In addition, you estimated working 40 hours and indicated that some of that time may be during your regular working hours. Be advised that if you conduct outside work during business hours you will need to be on approved leave for that time and are responsible for complying with Agency policies regarding limited use of government equipment.

Based on information provided on the internet sites for these two organizations,² potential subject areas for which you may be asked to review or provide information include certain matters governed by D.C. or federal law, including bankruptcy/debt collection, consumer, employment (including unemployment compensation, workers' compensation, unlawful discrimination and harassment, family and medical leave act violations, wrongful termination), family, health, and housing law, as well as personal injury, probate, public benefits and tax law. According to the website, at the DC Bar Clinic, your activities are likely to be limited to providing general information, advice, and brief services and does not provide representation. However, you may also be involved in calling a third party or government agency about a client's matter, writing a letter or reviewing a contract or settlement agreement; you would not appear in court or establish an extended attorney-client relationship unless you wished to do so. Based on their website, at the Workers' Rights Clinic, your volunteer activities may including providing legal advice to a clinic worker, assist in writing letters or filing a complaint with an appropriate agency, or coaching a clinic working on the next steps to be taken in litigation.

Because your new pro bono activities are for a walk-in clinic and may address areas of federal law, you should remain cognizant of the prohibitions in 18 USC § 205. This statute generally prohibits federal employees from serving as an agent or attorney on behalf of another entity back to the federal government in connection with any matter in which the United States is a party or has a direct and substantial interest - even if the representation is pro bono, unpaid and occurs on personal time. Therefore, you should recuse

¹ Your request was submitted in February 2015 although the memo shows the incorrect year (e.g., February 5, 2014).

² <http://www.dcbar.org/pro-bono/volunteer/advice-and-referral-clinic.cfm> and <http://www.dcejc.org/workers-rights-clinic/>.

yourself from any walk-in referral matters that appears to raise the possibility that you might be asked to advise or represent an individual before a federal department, agency or federal court (e.g., issues potentially involving the United States Internal Revenue Service regarding disputes about federal taxes, or with other federal agencies regarding federal programs or benefits, such as the US Department of Veterans Affairs).

I note that you read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. I am reminding you here that you must continue to abide by these restrictions.

Secondary outside employment is not responsive to request

[REDACTED]

[REDACTED]

[REDACTED]

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Sincerely,


Alan S. Larsen

(b) (6)

From: (b) (6)
Sent: Tuesday, April 08, 2014 5:14 PM
To: (b) (6)
Subject: FW: reminder regarding outside activity (OGE 450 review) GAL Update for 450

Sorry for the delay, is this it?

From: (b) (6)
Sent: Thursday, April 03, 2014 11:52 AM
To: (b) (6)
Subject: RE: reminder regarding outside activity (OGE 450 review) GAL Update for 450

Hi (b) (6)

Thank you for the updated information regarding your pro bono activities. The OIG DEO approved your participation in the US DOJ Pro Bono Program on January 16, 2013 – this approval continues to be valid for your participation in the Program for five years (from the January 2013 approval date).

I am updating OC's records with respect to the approval to reflect that you are now a GS-14 and that your primary pro bono activity under the DOJ Program is changing to being a guardian ad litem.

Because of your new pro bono activities, I also wanted to briefly address the possibility that you might be asked to represent an individual before a federal department, agency or court (e.g., issues potentially involving disputes regarding federal taxes or federal benefits). As you know, under 18 USC § 205, federal employees generally cannot serve as an agent or attorney on behalf of another entity back to the federal government - even if the representation is unpaid and occurs on personal time. However, 18 USC § 205(e) provides an exception to this prohibition for representing a person for whom a federal employee serves as a guardian or other personal fiduciary, but with two limitations – one of which is a requirement for prior approval by the official responsible for your appointment to your position. Therefore, if you anticipate such a situation may arise, please contact OC for further review and advice on the specific issues.

Please let me know if you have any questions. I can be reached at (b) (6).

- (b) (6)

From: (b) (6)
Sent: Friday, March 28, 2014 4:50 PM
To: (b) (6)
Subject: RE: reminder regarding outside activity (OGE 450 review) GAL Update for 450

(b) (6)

Good afternoon.

As requested, this email memorializes my change in activity from work on landlord/tenant matters to guardian ad litem under the DOJ Pro Bono Program. (b) (6) is still my supervisor.

If you need any additional information, please don't hesitate to contact me.

Best,

(b) (6)

From: (b) (6)
Sent: Thursday, March 20, 2014 8:41 AM
To: (b) (6)
Subject: RE: reminder regarding outside activity (OGE 450 review)

Hi (b) (6)

The 2013 approval was for your participation in the DOJ Pro Bono Program, but specifies work on landlord/tenant matters and was provided when you were a GS-13. So, to keep the record up to date, please send me a brief email that I can use as an addendum. Please include: the change in activity from landlord/tenant to guardian ad litem, your GS-14 level, and any other updates in hours etc that may be involved, etc. At the time of the approval memo, your supervisor was (b) (6); I don't believe that has changed, but if it has, that should be updated as well.

This information can be sent as an email to me, and I will provide a response for your records.

Please let me know if you have any questions.

Thanks, (b) (6)

From: (b) (6)
Sent: Wednesday, March 19, 2014 3:49 PM
To: (b) (6)
Subject: RE: reminder regarding outside activity (OGE 450 review)

Thanks (b) (6)

I do intend on taking a case this year as a guardian ad litem. This pro bono will still be through the DOJ program. For my last case I represented a client in a housing matter. Will I need to send a specific request forward to do the guardian ad litem or am I covered by my previous request and the adherence to the guidance below?

Thanks!

(b) (6)

From: (b) (6)
Sent: Wednesday, March 19, 2014 2:41 PM
To: (b) (6)
Subject: reminder regarding outside activity (OGE 450 review)

Hi (b) (6)

I have reviewed your OGE 450 and because you reported an outside position, I am providing the following information and general ethics reminders, since it has been approximately a year since OC provided guidance on your outside activity.

Based on your filing, I understand that you are participating in the Department of Justice Pro Bono Program. OC has a copy of the approval of this outside activity which will be valid through January 2018. However, if there is a change in the nature or scope of your duties or in the outside employment, you must re-submit your request.

- As a reminder, you should be familiar with and abide by restrictions described in 5 CFR Part 2635 and Section 6401.102. (See 5 CFR 6401.103).
- Please continue to exercise due diligence to make sure there is absolutely no potential for an issue regarding EPA contracts. Please also remember that if you conduct outside work during business hours you will need to be on approved leave for that time and that you are responsible for complying with Agency policies regarding limited use of government equipment.
- You should also be aware that under 18 USC § 205, federal employees generally cannot serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents employees from serving as agent or attorney for another back to the federal government for compensation, even in their own time.

These statutes generally prohibit certain activities such as the following:

- Federal employees cannot represent outside entities as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest.

Finally, please remain mindful that this outside activity cannot interfere in any way with your assigned duties as a Special Agent or sufficient hours, on average, to qualify for law enforcement availability pay.

Again, this message is simply a reminder regarding your outside activity. However, if you have any questions, please let me know.

- (b) (6)

(b) (6)
EPA Office of Inspector General
Office of Counsel
Washington, DC 20004
Phone: 2020 (b) (6)

MEMORANDUM

DATE: February 5, 2014

SUBJECT: Request for Approval for Outside Employment for: (1) Pro Bono Attorney; (2) (b) (6) - (b) (6)

FROM: (b) (6) Special Agent (b) (6)
(b) (6)

THRU: (b) (6) Office of Investigations,
Office of the Inspector General, Environmental Protection Agency

TO: Counsel to the IG

The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency*, requires that the employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

Specifically, I am formally requesting permission to conduct outside employment to do the following: (1) participate as a volunteer lawyer for the DC Bar Advice & Referral Clinic and the DC Employment Justice Center's Worker's Rights Clinic, which are walk-in legal clinics operated by the District of Columbia Volunteer Lawyers Project; and, non-responsive
(b) (6)

1. Volunteer Lawyer

As a member of the Massachusetts Bar, this pro bono legal work will be coordinated through the Department of Justice (DOJ) pro bono program and coincides with Massachusetts Bar Rule 6.1, Voluntary Pro Bono Publico Services, which states, in part, "[a] lawyer should provide annually at least 25 hours of *pro bono publico* legal services for the benefit of persons of limited means."

The following are my responses to the relevant questions concerning my request:

- ***Nature of the activity and the amount of compensation expected:*** The activity is a Pro Bono case coordinated through the DOJ Pro Bono Program. (b) (6)
- ***The name & business of the person/ organization for which the work will be done:*** The work will be done through the DOJ Pro Bono Program, which is managed by (b) (6) who is the program manager. The EPA point of contact for the DOJ pro bono program is (b) (6) Office of General Counsel, EPA.
- ***The estimated time to be devoted to the activity:*** Forty (40) hours.
- ***Whether the service will be performed entirely outside of normal duty hours:*** No. It is likely there will be some service that could be performed during normal duty hours.

- ***The basis for compensation (e.g., fee, per diem, per annum, etc.):*** There is no compensation.
- ***An identification of any EPA assistance agreements for contracts held by a person to or for whom services would be provided:*** There is no identification of any EPA assistance agreements and I will exercise due diligence to make sure there is absolutely no potential for an issue regarding EPA contracts arising.

Non-responsive



I will use official duty time or Government property, resources, or facilities, consistent with applicable EPA policy. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

(b) (6)



Date: FEB 5, 2015

MEMORANDUM

DATE: October 21, 2014

SUBJECT: Request for Approval for Outside Employment to conduct the services of a Daily Money Manager under my established company, (b) (6) LLC

FROM: (b) (6) GS-14

THRU: (b) (6)

TO: Al Larsen, Deputy Ethics Official

I am requesting permission to conduct the services of a Daily Money Manager (DMM) (i.e. bill-paying, including calls to payees regarding incorrect bills and preparation of checks for clients to sign; balancing checkbooks and maintaining organization of bank records; preparing and delivering bank deposits; organizing tax documents and other paperwork; negotiating with creditors; deciphering medical insurance papers and verifying proper processing of claims; general organization assistance; and providing referrals to legal, tax, and investment professionals) under my established company, (b) (6) LLC, to senior citizens, people whose careers make it difficult for them to find time for their own paperwork, and people whose medical issues simply make it difficult to keep up with their finances. The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

- As the (b) (6) and other types of investigations. I am the (b) (6) and I work extensively with (b) (6) to ensure all cases are accomplished in a timely, logical manner, and adhere to all legal and administrative guidelines.
- Please see paragraph above denoting DMM services to be performed; nationally, DMMs charge (b) (6)
- (b) (6) LLC
- Two hours M-F between 7:00pm and 9:00pm; and six hours Sat and Sun between 9:00am and 3:00pm
- All services will be performed entirely outside of normal duty hours
- DMM services are paid on an hourly basis
- No DMM services will be provided to any person/organization holding an EPA assistance agreement (sub-agreement) or EPA contract, including any EPA contractors or subcontractors

I will use no official duty time or government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 & 6401.102

Date: 21 Oct 14



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 23 2014

OFFICE OF
INSPECTOR GENERAL

To: (b) (6)

As the OIG Deputy Ethics Official, I am approving your request to conduct the services of a Daily Money Manager (DMM) as part of your activities as the Managing Director of (b) (6) (b) (6) LLC (established August 2014). Based on my review of the information provided in your request, I am also providing reminders of certain ethics obligations and restrictions.

You described the services of a DMM as including bill-paying, including calls to payees regarding incorrect bills and preparation of checks for clients to sign; balancing checkbooks and maintaining organization of bank records; preparing and delivering bank deposits; organizing tax documents and other paperwork; negotiating with creditors; deciphering medical insurance papers and verifying proper processing of claims; general organization assistance; and providing referrals to legal, tax, and investment professionals). These services would be provided by you in partnership with your spouse, under (b) (6) LLC. The anticipated clients are senior citizens and people whose careers make it difficult to keep up with their finances.

The following summarizes, statements in your request:

- your compensation will be (b) (6)
- work will be performed entirely outside of normal duty hours; you estimated you would conduct these activities for two hours, Monday – Friday between 7:00 – 9:00 pm; and 6 hours, Saturday and Sunday between 9:00am – 3:00pm. You further explained that your schedule for this outside activity would be flexible and was provided to demonstrate that these activities would be performed outside of normal duty hours. You stated that your OIG obligations take precedence and your outside employment would not preclude your availability for your law enforcement obligations, for which you are paid Law Enforcement Availability Pay (LEAP).
- as (b) (6)
- you will use no official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment; and

- you will not accept any client that (sub)contracts with, or holds an EPA assistance (sub)agreement.

Based on my review of your request, I am providing the following specific reminders of your ethics obligations and a summary of prohibited activities.

- Your description of services you may perform includes organizing tax documents and referrals to legal, tax and investment professionals, as well as various services in regard to medical claims and benefits, and negotiating with creditors. As a reminder, while you may perform organizational or accounting types of services for a client, two criminal statutes (described below) generally prohibit employees from representing private interests before the Government (e.g., Internal Revenue Service or Department of Health and Human Services, Centers for Medicare & Medicaid Services).

Under 18 USC § 205, federal employees generally cannot serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents employees from serving as agent or attorney for another back to the federal government for compensation, even in their own time.

For more general information regarding communications with the Government with respect to these two statutes, you may wish to consult an OGE website that summarizes this information. (see <http://www.oge.gov/Topics/Outside-Employment-and-Activities/Communications-with-the-Government/>)

- In addition, while unlikely to arise based on the information provided in your request, as a Managing Director of the LLC, in partnership with your wife, you should also be aware that under 18 USC § 208, a criminal conflict of interest law, federal employees are prohibited from any personal and substantial participation in any “particular matter” that will have a direct and predictable effect on a financial interest that is imputed to you. Generally, imputed interests include those of your spouse, any organization for which you serve as officer, employer, director, trustee, or general partner, or with which you are negotiating for, or have an arrangement concerning, prospective employment. The financial conflict of interest prohibition covers “particular matters”, which means any deliberation, decision, or action that is focused on the interests of specific persons.
- You stated that your company has no association with EPA assistance agreements or contracts. In the future, should you become aware that any EPA assistance agreements or EPA contracts are held by a person to or for whom services would be provided, you should notify OIG Counsel.
- Because you are engaging in this outside employment activity in your personal capacity, you may not use or permit the use of your official position or title in a manner that appears

to sanction or endorse your personal activities, for the purpose of sanctioning or endorsing such activities, or for inducing any benefit (financial or otherwise) to you or your partner or the LLC. See 5 CFR 2635.702(a)-(c). Therefore, while you are not specifically engaged in speaking, teaching, or writing as your outside activity, I advise that you comply with the limitations outlined in 5 CFR 2635.807(b)(1) in making any reference to your official title and position, particularly, in regard to any advertisements for your LLC. Therefore, you may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.

- You have certified that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

As a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1) specifically prohibits use of Government office equipment for commercial purposes or in support of other 'for profit' activities such as outside employment or businesses; there is no de minimis exception for your outside employment activities.

Also, be advised that if you conduct outside work during duty hours you will need to be on approved leave for that time.

- I note that you read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. I am reminding you here that you must continue to abide by these restrictions.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Please also remember that as an OIG Special Agent (b) (6) you are designated to file an OGE Confidential Financial Disclosure Form (OGE Form 450) and that you are responsible for reporting information related to your outside employment (e.g., income, outside positions, and agreements and arrangements), as applicable.

Finally, you must be available to meet your law enforcement obligations consistent with your receipt of LEAP. As you explained, the above draft schedule of your activities was notional only – to demonstrate your outside activities would be outside of scheduled EPA duty hours. Please remain mindful that this outside activity cannot interfere in any way with your assigned duties as a Special Agent or sufficient hours, on average, to qualify for LEAP.

If you have any questions regarding this memorandum, or any questions arise in the future regarding your outside employment activities, please contact (b) (6) or send an email to (b) (6).

Alan S. Larsen


Counsel to the Inspector General

To: (b) (6)

From: Eric Hanger, Deputy Ethics Official and Acting Counsel to the Inspector General

Date: December 18, 2018

RE: Approval of outside activity and ethics guidance



As the OIG Deputy Ethics Official, I am approving your December 3, 2018 request, submitted pursuant to 5 CFR 6401.103, to serve as a Commissioner on the City of Cambridge Conservation Commission ("Commission"). Based on my review of the information provided in your request, I am also providing you reminders of certain ethics obligations and restrictions.

You explained that you have been appointed to serve as a non-partisan Commissioner. You stated that the Commission administers the Massachusetts Wetlands Protection Act (Massachusetts General Law Chapter 131, Section 40), reviewing, permitting and inspecting projects in or adjacent to Cambridge's wetlands, floodplains and water bodies. The Commission meets monthly in the evening for 1-2 hours, and you anticipate that several hours of preparation will be needed for each meeting. Routine Commission business including meeting preparation will be conducted outside of OIG duty time. This is a volunteer position (b) (6). You stated that to the best of your knowledge, the Commission is not a recipient of any EPA assistance agreement; nor are services provided to the Commission by any person or organization that has an EPA contract.

You are an OIG (b) (6) audit assignments within the Water Directorate. Your current assignments include evaluations of drinking water public notice and enforcement trends. Plans in the directorate are that your next assignment in 2019 will also be drinking water focused.

You also indicated that for the most part you identify no conflict between your position as a commissioner and your position as (b) (6) for the OIG in the water directorate. However, you stated that there is a small (i.e., non-zero) chance that the work of the commission will fall within the scope of an OIG audit. In that case, you stated that you will remove yourself from that audit, and consult with the OIG Deputy Ethics Official, if needed.

EPA generally lacks authority to assign employees to be officers or directors of outside organizations as part of the employee's official duties. However, you may participate as a Commissioner in your personal (individual) capacity.

In carrying out your activities on behalf of the Commission, you must abide by the following ethics prohibitions and restrictions:

- **Financial Conflict of Interest:** 18 U.S.C. §208(a) prohibits an employee's participation in Government decisions regarding "particular matters" which have a "direct and predictable effect" on the employee's financial interests; an employee's financial interests include those of an organization that are imputed to an employee as an employee or officer of such an organization. "Particular matters" means any deliberation, decision, or action that is focused on the interests of specific persons. Similarly, you must continue to abide by the restrictions in

5 CFR Part 2635 and Section 2640.103. While it may be unlikely that such an instance may arise, I wanted to make sure that you were aware that this criminal statute is potentially applicable.

While not a substitute for specific ethics advice, additional information about this statute can be found on the Office of Government Ethics' website:

<https://www.oge.gov/Web/oge.nsf/Resources/18+U.S.C.+%C2%A7+208:+Acts+affecting+a+personal+financial+interest>

- **"Representation back" to the Federal Government:** 18 U.S.C. §205 generally bars employees from communicating with U.S. Government agencies as representatives of their organizations regarding any "particular matter" (see 5 C.F.R. §§2635.402(b)(3) and 2640.103(a)(1) for definitions of "particular matter"). You are prohibited from representing the Commission before the Federal Government on any particular matter. For example, you are prohibited from inviting a federal employee to speak at an Commission luncheon/event. If under review by the EPA or the Army Corps of Engineers, while you could present facts, you would be prohibited from representing the Commission's reasoning or position on a permit decision. You would be able to invite a state or local government or private sector employee to speak at a Commission event.

While not a substitute for specific ethics advice, additional information about this statute can be found on the Office of Government Ethics' website:

<https://www.oge.gov/Web/oge.nsf/Resources/18+U.S.C.+%C2%A7+205:+Activities+of+officers+and+employees+in+claims+against+and+other+matters+affecting+the+Government>

- **Agency Time and Resources:** You may not use EPA time, equipment, or facilities for your outside activity. See 5 CFR §§ 2635.704, "Use of Government property," and 2635.705, "Use of official time." If you conduct outside work during duty hours you will need to be on approved leave for that time.

EPA Order 2101.0, "Policy on Limited Use of Government Office Equipment, also prohibits use of government equipment for inappropriate uses, which include engaging in any fund raising and non-profit activities. The EPA Order 2101.0 provides some examples of inappropriate use of government resources including:

- Creating, copying or transmitting chain letters or mass mailings unrelated to official business, either as e-mail or hard copies, regardless of the subject matter.
 - Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses (e.g., selling real estate, preparing tax returns for a fee).
 - Engaging in any fund raising or non-profit activities, endorsing any product or service, participating in lobbying or prohibited partisan political activity (e.g., expressing opinions about candidates, distributing campaign literature).
- **Use of Official Position or Title & Speaking and writing:** Because you are engaging in this outside employment activity in your personal capacity, you may not use or permit the use of your official position or title in a manner that appears to sanction or endorse your personal activities, for the purpose of sanctioning or endorsing such activities, or for inducing any benefit (financial or otherwise) to you or the organization. See 5 CFR 2635.702(a)-(c).

- **Disclaimer language:** If in connection with your Commission activities, you identify yourself as a federal employee, or reference your position or title with EPA OIG, you should ensure that it is clear that you are expressing your personal opinion in your personal capacity. For example, you should make clear that the opinion expressed is solely your own personal opinion and does not reflect the opinions of the EPA or the EPA Office of Inspector General. I encourage you to contact OC for further specific guidance if you have any questions in this regard.
- **Nonpublic information:** 5 CFR 2635.703 prohibits misuse of nonpublic information to further an employee's own interest. You may not use or share nonpublic information in your outside activity that is known to you from your position in the OIG. You should also not provide information that would not be releasable under the Freedom of Information Act or the Privacy Act.
- **OGE 450 reporting:** If you are designated to file an OGE Confidential Financial Disclosure Form (OGE Form 450), you are responsible for reporting information related to your outside employment (e.g., outside positions, and agreements and arrangements), as applicable. Even if you do not hold this position for the full calendar year, if you have held it during the year, you are responsible for reporting any reportable information on the annual OGE 450 form.

As a best practice, you should discuss your outside activity with your supervisor if you believe that it may potentially affect your work schedule, raise independence concerns (personal impairments), and/or potentially affect assignments.

Please remain cognizant of your responsibilities under OIG Policy 102, *OIG Independence*, and continue to be mindful of external factors, actual or perceived, which may restrict the OIG's work or interfere with its ability to conduct work in an impartial manner. If you become aware of a potential threat to OIG's independence due to your outside activity, please notify your supervisor and follow the procedures under OIG Procedure 102.

Please contact OC if you become aware that the Commission applies for or is a recipient of any EPA funds so that we can review the information for any potential ethics concerns and provide advice as appropriate.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

If you have any questions regarding this memorandum, or any questions arise in the future regarding your outside employment activities, please contact (b) (6) or send an email to (b) (6)@epa.gov.

MEMORANDUM

DATE: December 3, 2018

SUBJECT: Request for Approval for Outside Employment or Activity for serving as a Commissioner on the City of Cambridge, Massachusetts, Conservation Commission

FROM: (b) (6)

THRU: (b) (6)

TO: Counsel to the Inspector General

I am requesting permission to accept an opportunity to serve on the Conservation Commission for the City of Cambridge, Massachusetts, where I live. The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

At the U.S. EPA Office of Inspector General, I am a (b) (6) audit assignments within the Water Directorate. My current assignments include evaluations of drinking water public notice and enforcement trends. Plans in the directorate are that my next assignment in 2019 will also be drinking water focused.

In Massachusetts, city and town conservation commissions are established (Massachusetts General Law Chapter 40, Section 8C) for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. In Cambridge, the commission administers the Massachusetts Wetlands Protection Act (Massachusetts General Law Chapter 131, Section 40), reviewing, permitting and inspecting projects in or adjacent to Cambridge's wetlands, floodplains and water bodies.

The commission meets monthly in the evening for 1-2 hours. A couple of hours of preparation will be needed for each meeting. Routine commission business including meeting preparation will be conducted outside of OIG duty time. (b) (6)

For the most part there will be no conflict between my position as a commissioner and my position as an analyst for the OIG in the water directorate. However, there is a small, non-zero chance that the work of the commission will fall under an audit we are conducting at the OIG. In that case I will remove myself from that audit. If the conflict (or appearance of conflict) is questionable, I will consult with the deputy ethics official.

I will use no official duty time or government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(b) (6)

Date: 12/3/2018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 02 2014

OFFICE OF
INSPECTOR GENERAL

To: (b) (6)

As the OIG Deputy Ethics Official, I approve your request to provide consulting services through (b) (6) Consulting (b) (6) - described by you as a sole proprietorship which will soon be an LLC. You requested approval of activities conducted for your company, primarily focusing on: business planning, strategic goal setting, training design or development, career planning, or events. You stated that currently, (b) (6) only accepts pro-bono clients, including individuals, small businesses, and non-profit organizations, however, (b) (6) will be expanding to offer training courses using independent subject matter experts, including yourself, for in-person or distributed learning.

You did not provide an estimate of the amount of compensation expected because of the newness of your company, but indicated that compensation (b) (6)

(b) (6). While you also did not provide an estimate of the number of hours you might work on a weekly or monthly basis, you stated that the time you plan to devote to this activity will largely be outside of work hours and include weekends. You estimate no more than 40 hours of annual leave would be taken throughout the year to provide training services to clients.

You stated that training will focus on the areas of Strategic Planning, Emotional Intelligence, and Organizational Development; you stated you “do similar work in [your] official duties” but that you do “very little training in [your] official duties in the OIG currently.” However, based on my independent review of the OIG-HQ email¹ that you sent on March 27, 2014, I conclude that not only training, but also individualized coaching, are part of your official duties in the OIG. You also stated that much of your experience was gained through official duties, but primarily with your prior government position. In addition, you stated that you are a Master Trainer (certified by Langevin Learning Services) and therefore qualified to train any topic, specifically technical training, and have over 20 years of experience – for which you have provided a bulleted summary of work experience and certifications.

5 CFR 2635.807(a) precludes a federal employee from receiving compensation from any source other than the government for teaching, speaking or writing that relates to the employee’s official duties. Such activities relate to an employee’s official duties if, in relevant part, the subject deals in significant part with any matter to which the employee is presently assigned or has been assigned in the previous one-year period or any ongoing policy or operation of the agency. See 5 CFR 2635.807(a)(2)(i)(E). Based on your position as a (b) (6) (b) (6) in the OIG-HR division, and the information you have provided, I have concluded that the subject matter of your potential teaching and speaking activities are likely related to your official duties. However, a regulatory exception enables you to receive compensation for teaching, speaking or writing on a

¹ (b) (6) email to OIG-HQ, cc: (b) (6) “MANDATORY EPARS Training Course Information for DC Employees! Please Mark Your Calendar!” (March 27, 2014).

subject within your discipline or inherent area of expertise based on educational background or experience. See Note to 5 CFR 2635.807(a)(2)(i)(E). Based on the certifications and prior experience in instruction/training and setting strategic vision, I find this exception applies to your consulting activities. However, this is a potentially problematic area for you. There is no bright line between your prior experience, and the matters you currently intend to teach on the one hand, and your current duties, and new skills that you are now acquiring with EPA-OIG, and the subject areas that you might gradually find yourself migrating towards in your business. It is important that you not teach, speak or write for compensation on matters outside of your inherent area of expertise – such as those based on new skills and knowledge developed through your assignments in OIG or based on ongoing OIG policies and operations (such as OIG's workforce planning policy, transition to and training for E-PARS, OIG's STARS program, etc.)

Please note, this approval is specific to the topics described herein. Therefore, you will need to submit a separate request for approval of an outside activity for teaching on a different topic or teaching a course, for example, at a university before engaging in such outside employment.

Based on my review, I am providing the following specific reminders of your ethics obligations and a summary of prohibited activities.

- You are prohibited from using materials developed in your work in the OIG in your outside activities. Executive branch employees may not use or allow the use of nonpublic Government information to further their own private interests or the private interests of others. (See 5 CFR 2635 subpart G)
- (b) (6) is also prohibited from entering into a contract to a federal government entity. You should contact the DEO for advice before entering agreeing to participate as a subcontractor in a federal contract bid or otherwise subcontracting on a federal government contract.

Under 18 USC § 205, federal employees cannot generally serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents employees from serving as agent or attorney for another back to the federal government for compensation, even in their own time.

- You should be aware that other ethics issues may arise based on the specific facts of your official duties and contracts that you enter into in your outside activity. This is a reminder that if questions arise, you should notify your supervisors and seek ethics advice immediately. You may also need to recuse yourself from a matter until an ethics review has been completed.

Under 18 USC § 208, a criminal conflict of interest law, federal employees are prohibited from any personal and substantial participation in any particular matter that will have a direct and predictable effect on a financial interest that is imputed to you. Generally, imputed interests include any organization for which you serve as officer, employer, director, trustee, or general partner, or with which you are negotiating for, or have an arrangement concerning, prospective employment. The financial conflict of interest prohibition covers 'particular matters', which means any deliberation, decision, or action that is focused on the interests of specific persons.

- You stated that your company has no association with EPA assistance agreements or contracts. In the future, should you become aware that any EPA assistance agreements or EPA contracts are held by a person to or for whom services would be provided, you should notify OIG Counsel.

- You indicated you may hire other experts and indicated a fee (b) (6). If you intend to hire/contract with another EPA OIG employee, prior to doing so, you should consult with the OIG DEO, as well as urge the OIG employee to contact OC for ethics advice before entering into such a contract. If the individual is a federal employee outside of the EPA-OIG, you should urge that person to contact his or her ethics official for advice.
- As you are aware, 5 CFR 2635.807 specifically addresses teaching, speaking and writing activities performed by federal employees, as well as using references to an official title/position as it relates to outside employment/ activities. Because you are engaging in this outside employment activity in your personal capacity, you must comply with 5 CFR 2635.807(b)(1) in making any reference to your official title and position, particularly, in regard to any teaching or public speaking activities or advertisements for the same. You may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.
- You have certified that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

As a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1) specifically prohibits use of Government office equipment for commercial purposes or in support of other 'for profit' activities such as outside employment or businesses; there is no de minimis exception for your outside employment activities. Also, be advised that if you conduct outside work during duty hours you will need to be on approved leave for that time.

- I note that you read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. I am reminding you here that you must continue to abide by these restrictions.

If you are designated to file an OGE Form 450, you are responsible for accurately reporting information related to your outside activity (e.g., assets income, agreements/arrangements, etc.). Note, I have concluded that this is a reportable position, and because you have been designated as a 450 filer, you must continue to report this position on future OGE Form 450 filings.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).



Alan S. Larsen
Counsel to the Inspector General

MEMORANDUM

DATE: February 6, 2014

SUBJECT: Request for Approval for Outside Employment or Activity for: **Consulting as a Sole Proprietor of** (b) (6)

FROM: (b) (6)

THRU:

TO: Counsel to the IG

I am formally requesting permission to accept an opportunity to *continue to provide Consulting Services with* (b) (6) *Consulting, which is a sole proprietorship, soon to be LLC.* The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that the employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

(b) (6) Consulting (b) (6) provides consulting to a variety of entities from individual persons to small businesses and non-profit organizations. The consulting services primarily focus on business planning, strategic goal setting, training design or development, career planning, or events. Most of the focus for (b) (6) has been doing pro-bono work to help small start-up businesses and other struggling members of the community achieve long-term goals. Currently, (b) (6) only accepts pro-bono clients for the services listed above as a form of community service.

(b) (6) will be expanded to start offering training courses using a cadre of independent Subject-Matter-Experts in various fields from IT to Leadership Development. I will also be a Subject Matter Expert offering training face-to-face or through distributed learning. Compensation (b) (6)

Services are generally provided outside of office hours and on weekends, so very little duty time would be required. Estimate that no more than 40 hours of annual leave would be taken throughout the year to provide training services to clients.

Training subjects would focus on the areas of Strategic Planning, Emotional Intelligence, and Organizational Development. I do similar work in my official duties; however, I do very little training in my official duties in the OIG currently. Much of my experience was gained through official duties, but primarily with my previous government position. I will also conduct training designed by other SMEs. I am a Master Trainer, certified by Langevin Learning Services, so I am qualified to train any topic, specifically technical training. I also have over 20 years of training experience.

A summary of my experience and certifications relative to the course material is provided below:

- (b) (6)

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Certifications

(b) (6)

At this time, no client that I am aware of would have any relationship or agreements with the EPA.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

(b) (6)

Date: 2/4/14

To: (b) (6)

From: Alan S. Larsen, Deputy Ethics Official and Counsel to the Inspector General

Date: June 22, 2018

RE: Approval of request for prior approval of an outside activity and ethics guidance

As the OIG Deputy Ethics Official, I approve your June 7, 2018 request to engage in outside employment as a Digital Forensic Specialist for CACI. Based on my review of the information provided in your request, I am also providing reminders of certain ethics obligations and restrictions.

In addition, in your memorandum requesting review of your planned outside activity you indicated that, if approved, (b) (6)

To be clear, my memorandum does not constitute approval of a request for your planned use of annual leave; you will need to follow normal OIG procedures to request approval for annual leave, consistent with OIG-HR rules and practice.

You stated that at EPA OIG you (b) (6) providing digital forensic support to OIG investigations. (b) (6). Your position is responsible for assigning work tasks and providing guidance on proper procedures for handling criminal investigations and evidence related to digital media such as computers, mobile technology, and network activities.

In your position with CACI, you would be a digital forensic specialist (b) (6). You provided information from the job description for your CACI position:

- (b) (6)

Based on my review of your request, I am providing the following specific reminders of your ethics obligations and a summary of prohibited activities.

- You should be aware that under 18 USC § 208, a criminal conflict of interest law, federal employees are prohibited from any personal and substantial participation in any "particular matter" that will have a direct and predictable effect on a financial interest that is imputed to you. Generally, imputed interests include those of your spouse, any organization for which you serve as officer, director, trustee, general partner, or employee, as well as any person/organization with which you are negotiating for, or have an arrangement concerning, prospective employment. Therefore, as an employee of CACI, and if you are

currently negotiating for employment with CACI, CACI's financial interests would be imputed to you for the purposes of reviewing financial conflicts of interest. The financial conflict of interest prohibition covers "particular matters", which means any deliberation, decision, or action that is focused on the interests of specific persons.

For further, general information about the ethics rules for federal employees engaged in seeking post-Government employment, please see the online training course for employees leaving federal service which is helpful for understanding the ethics rules for both **before you leave** and after your EPA OIG employment ends. That course is available here: <http://intranet.epa.gov/ogc/LFS/10.html>

- You stated that CACI has informed you that the company is so large that it would take significant time to determine if any part of CACI has an EPA contract, however, CACI represented that "Investigation and Litigation Support does not have [a contract with EPA] ... and (b) (6) [REDACTED] In the future, should you become aware that any EPA assistance agreements or EPA contracts are held by a person to or for whom services would be provided, you should notify OIG Counsel.

You also stated that CACI has no assistance agreements with EPA OIG that you are aware of and you have never been exposed to any CACI employees at EPA or EPA OIG.

- If you become aware that an assignment you receive at CACI is related to the same company or matter to which you have been assigned to at EPA OIG, you should notify your EPA OIG supervisor and OIG Counsel immediately for guidance.
- Because you are engaging in this outside employment activity in your personal capacity, you may not use or permit the use of your official position or title in a manner that appears to sanction or endorse your personal activities, for the purpose of sanctioning or endorsing such activities, or for inducing any benefit (financial or otherwise) to you or CACI. See 5 CFR 2635.702(a)-(c). Therefore, while you are not specifically engaged in speaking, teaching, or writing as your outside activity, I advise that you comply with the limitations outlined in 5 CFR 2635.807(b)(1) in making any reference to your official title and position, particularly, for example, in regard to any employee profiles published by CACI or information you provide to CACI that may be used in contract bidding. Therefore, you may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.
- 5 CFR 2635.703 prohibits misuse of nonpublic information to further an employee's own interest. You may not use or share nonpublic information known to you from your position in the Office of Inspector General. You should also not provide information about law enforcement techniques that would not be releasable under exemption (b)(7)(c) of the Freedom of Information Act (FOIA) or that is protected by FOIA or the Privacy Act.
- You have certified that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

As a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1) specifically prohibits use of Government office equipment for commercial purposes or in support of other 'for profit' activities such as outside employment or businesses; there is no de minimis exception for your outside employment activities. Also, be advised that if you conduct outside work during duty hours you will need to be on approved leave for that time.

- I note that you read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. I am reminding you here that you must continue to abide by these restrictions.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Please also remember that as an OIG Special Agent you are designated to file an OGE Confidential Financial Disclosure Form (OGE Form 450) and that you are responsible for reporting information related to your outside employment (e.g., income, outside positions, and agreements and arrangements), as applicable.

Please remain mindful that this outside activity cannot interfere in any way with your assigned duties as a Special Agent or sufficient hours, on average, to qualify for LEAP.

I note that you did not submit your request through your supervisor as requested by OIG's practice. You should discuss your planned outside activity with your supervisor to ensure that they are able to review any potential conflicts with your EPA OIG assignments.

As a final reminder, even though I so noted above, you indicated that you planned to engage in this outside activity while on annual leave. Please be mindful that my review of ethics rules related to your outside activity does not constitute approval of annual leave. You must comply with EPA OIG procedures for requesting approval for planned leave.

If you have any questions regarding this memorandum, or any questions arise in the future regarding your outside employment activities, please contact (b) (6) or send an email to (b) (6)

MEMORANDUM

DATE: June 11, 2018

SUBJECT: Request for Approval for Outside Employment as a Digital Forensic Specialist for CACI while on annual leave prior to planned retirement.

FROM:

(b) (6)

TO: Counsel to the Inspector General

I am requesting permission to accept an opportunity to accept employment from CACI to provide digital forensic (b) (6). The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

I am making this request to accept employment while using accrued annual leave (b) (6)

There is no connection between the work I perform at the EPA, OIG and the work I will be doing for CACI and I do not plan on returning to the EPA, OIG, other than to process any required steps in formally retiring on my last scheduled day. (b) (6)

If approved, (b) (6)

As the Special Agent (b) (6) digital forensic support of OIG investigations. I have not contact or oversight of any contract employees.

I will use no official duty time or government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(b) (6)

Date: June 11, 2018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 26 2015

OFFICE OF
INSPECTOR GENERAL

To (b) (6)

As the OIG Deputy Ethics Official, I approve your request to provide consulting services through (b) (6) LLC (b) (6) LLC). You requested approval of your outside activity as a managing partner of a general management consulting firm, (b) (6) LLC, which you described as having the principal mission of providing "aid in general consulting services for the small business community."

You did not use the OIG's template as requested by OIG Associate Counsel, which is designed to assist OIG employees in providing the information required by regulation so that we can provide complete ethics advice. I have reviewed the more limited set of information that you did provide and am providing prophylactic ethics advice regarding conflicts of interest and ethics issues that could arise.

I am approving your outside activity with the following specific reminders of your ethics obligations and a summary of prohibited activities. This summary of ethics issues may not address all potential issues and is not a substitute for individual advice. You should be aware that this approval does not shield you from any potential administrative action or criminal prosecution related to your outside activities, particularly related to information that you did not provide for review to the DEO.

- 5 CFR 2635.807(a) precludes a federal employee from receiving compensation from any source other than the government for teaching, speaking or writing that relates to the employee's official duties. Such activities relate to an employee's official duties if, in relevant part, the subject deals in significant part with any matter to which the employee is presently assigned or has been assigned in the previous one-year period or any ongoing policy or operation of the agency. See 5 CFR 2635.807(a)(2)(i)(E).

Because you have not provided a description of the consulting work (b) (6) LLC or you provide, I am unable to review whether you engage in teaching, speaking or writing that relate to your official duties. It is important that you not teach, speak or write for compensation on matters relating to your official duties which are outside of your inherent area of expertise – such as those based on new skills and knowledge developed through your assignments in OIG or based on ongoing OIG policies and operations (such as OIG's workforce planning, transition to E-PARS, OIG's STARS program, etc.)

- You are prohibited from using materials developed in your work in the OIG in your outside activities. Executive branch employees may not use or allow the use of nonpublic Government information to further their own private interests of the private interests of others. (See 5 CFR 2635 subpart G)
- Under 18 USC § 205, federal employees cannot generally serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents employees from receiving legal fees, partnership share, or other compensation for representational services of another before the federal government; this bar applies to representations

while the person is a federal government employee, regardless of whether the employee receives the funds during or after government service.

Therefore, you are prohibited from personally representing (b) (6) LLC to the federal government. For example, you are prohibited from negotiating a contract with the federal government on behalf (b) (6) LLC or personally representing (b) (6) LLC if it were audited by the IRS. You should contact the DEO for advice before agreeing to participate as a subcontractor in a federal contract bid or otherwise subcontracting on a federal government contract. You should also contact the DEO for advice before you or your firm represents a small business client to the federal government.

- Under 18 USC § 208, a criminal conflict of interest law, federal employees are prohibited from any personal and substantial participation in any particular matter that will have a direct and predictable effect on a financial interest that is imputed to you. Generally, imputed interests include any organization for which you serve as officer, employer, director, trustee, or general partner, or with which you are negotiating for, or have an arrangement concerning, prospective employment. The financial conflict of interest prohibition covers 'particular matters', which means any deliberation, decision, or action that is focused on the interests of specific persons.
- You did not state whether your company has any association with EPA assistance agreements or contracts. In the future, should you become aware that any EPA assistance agreements or EPA contracts are held by a person to or for whom services would be provided, you should notify OIG Counsel.
- As you are aware, 5 CFR 2635.807 specifically addresses teaching, speaking and writing activities performed by federal employees, as well as using references to an official title/position as it relates to outside employment/ activities. Because you are engaging in this outside employment activity in your personal capacity, you must comply with 5 CFR 2635.807(b)(1) in making any reference to your official title and position, particularly, in regard to any teaching or public speaking activities or advertisements for the same. You may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.
- You did not certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. This does not obviate your responsibilities under the ethics rules or agency or OIG policies.

As a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1) specifically prohibits use of Government office equipment for commercial purposes or in support of other 'for profit' activities such as outside employment or businesses; there is no de minimis exception for your outside employment activities. Also, be advised that if you conduct outside work during duty hours you will need to be on approved leave for that time.

- You did not state that you read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. I am reminding you here that you must read, be familiar with and abide by these restrictions.

You should be aware that other ethics issues may arise based on the specific facts of your official duties, contracts that (b) (6) LLC enters, and your specific outside activities. This is a reminder that if questions arise,

you should notify your supervisors and seek ethics advice immediately. You may also need to recuse yourself from a matter until an ethics review has been completed.

If you are designated to file an OGE Form 450, you are responsible for accurately reporting information related to your outside activity (e.g., assets income, agreements/arrangements, etc.). Note, I have concluded that this is a reportable position, and because you have been designated as a 450 filer, you must continue to report this position on future OGE Form 450 filings.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for two years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

A handwritten signature in blue ink, appearing to read "Alan S. Larsen", with a long horizontal flourish extending to the right.

Alan S. Larsen
Counsel to the Inspector General

To: (b) (6)

From: Alan S. Larsen, Deputy Ethics Official and Counsel to the Inspector General



Date: July 24, 2018

RE: Approval of request for prior approval of an outside activity and ethics guidance

As the OIG Deputy Ethics Official, I am approving your request to engage in an outside activity providing a full-service accounting practice to small not-for-profit businesses. The name of the business is (b) (6), CPA.

You explained that the services your business provides include, but are not limited to, the following accounting services: compiling financial statements, preparing tax returns, performing bookkeeping services, preparing general ledgers, and other services as necessary. Current clients include the

(b) (6)

You estimated total income from these clients at approximately (b) (6)

You estimated that you would be devoting less than 500 hours per year to these activities. You also stated that this work would be performed entirely outside of normal duty hours and should not cause any absences from the OIG.

You also certified that you will not use official duty time or government property, resources or facilities not available to the public in this endeavor. Be advised that if you do conduct outside work during duty hours you will need to be on approved leave for that time. Also as a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1) specifically prohibits use of Government office equipment for commercial purposes or in support of other 'for profit' activities such as outside employment or businesses; there is no de minimis exception for your outside employment activities.

You noted that currently, one of your clients is repaying an outstanding Rural Development Loan with the Department of Agriculture. You also stated that in providing outside services, you will not be receiving, nor will your clients be seeking any future grants or contracts from any federal agency. Further, you stated that no compensation will be derived from an EPA grant or contract. If in the future, you become aware of any clients that have EPA assistance agreements or contracts held by a person to or for whom services would be provided, please notify OIG Counsel.

As a reminder, while you may perform accounting services and prepare tax returns for clients, two criminal statutes (18 USC 203 and 18 USC 205) generally prohibit employees from representing private interests before the Government. For example, in the event of an IRS tax audit, while you could answer direct factual questions, you would be prohibited from acting as a client's representative during an IRS audit (e.g., arguing theories or position regarding the use of one figure or another). Please contact Office of Counsel with any questions that may arise with regard to this issue, including if you

have any questions regarding services that you provide your client who is repaying a Department of Agriculture loan. While not a substitute for specific ethics advice, for more general information regarding communications with the Government with respect to these two statutes, you may wish to consult an OGE website that summarizes this information. (see <https://www.oge.gov/web/oge.nsf/Resources/Communications+with+the+Government>) You may also find the OGE advisory regarding tax preparation activities to be a helpful reference. (see <https://oge.gov/Web/OGEnsf/Resources/85x3:+Government+Employee%E2%80%99s+Preparation+of+Tax+Returns+for+Taxpayers>)

Because you are engaging in this outside employment activity in your personal capacity, you may not use or permit the use of your official position or title in a manner that appears to sanction or endorse your personal activities, for the purpose of sanctioning or endorsing such activities, or for inducing any benefit (financial or otherwise) to you or your business. See 5 CFR 2635.702(a)-(c). Therefore, while you are not specifically engaged in speaking, teaching, or writing as your outside activity, I advise that you comply with the limitations outlined in 5 CFR 2635.807(b)(1) in making any reference to your official title and position, particularly, in regard to any advertisements for your business. Therefore, you may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.

I note that you read and are familiar with the restrictions described in 5 CFR Part 2635 and Section 6401.102. I am reminding you here that you must continue to abide by these restrictions.

A copy of this approval will be retained by the Office of Counsel. The approval for this specific outside activity remains valid for five years, although you must request a new approval should there be a change in the nature or scope of your duties. In addition, new approval must be sought if you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Please also remember that if you are designated to file an OGE Confidential Financial Disclosure Form (OGE Form 450) you are responsible for reporting outside positions and agreements and arrangements, as applicable.

MEMORANDUM

DATE: June 23, 2018

SUBJECT: Request for Approval for Outside Employment or Activity to operate an individual CPA practice (DBA (b) (6), CPA)

FROM: (b) (6)

THRU: Kevin Christensen

TO: Counsel to the Inspector General

I am requesting permission to continue to provide a full-service accounting practice to small not-for-profit businesses. The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

- I currently serve as the (b) (6) within the Office of Audit and Evaluation. In my position I supervise a staff of Forensic Auditors that conduct audits of EPA activities to help prevent fraud, waste and abuse in Agency programs.
- I provide a full-service accounting practice to small not-for-profit businesses. This service includes, but is not limited to the following accounting services; Compiling Financial Statements, Preparing Tax Returns, Performing Bookkeeping Services, Preparing General Ledgers, and other services as necessary. Current Clients include the (b) (6).
Total income from these clients is approximately (b) (6).
- The name of the business is (b) (6), located at (b) (6).
- I estimate that the total amount of time devoted to this activity is less than 500 hours per year, and is performed entirely outside of government working hours. The estimated number of days absent from work for this activity should be zero.
- All compensation from (b) (6).
- In providing these outside services, I will not be receiving, nor will my clients be seeking any future grants or contracts from any federal agency. Currently, the (b) (6) a client, is repaying an outstanding Rural Development Loan with the Department of Agriculture.
- No compensation will be derived from an EPA Grant or Contract.

I will use no official duty time or government property, resources or facilities not available to the public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

Signed:

(b) (6)



Date: June 23, 2018

MEMORANDUM

DATE: 09/03/2016

SUBJECT: Request for Approval for Outside Employment or Activity for: Accepting a part time position as a consultant of Oracle DBA for U.S. Army ITA at Pentagon.

FROM: (b) (6)

THRU: (b) (6)

TO: Counsel to the Inspector General

I am requesting permission to accept an opportunity to provide services on one of the database projects for ITA U.S. Army. Services will be provided during evenings and weekends to install database security patches. The Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency requires that an employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose.

I am an IT Specialist for OIG, responsible for planning and implementing IT projects. My OIG work includes system development life-cycle management and maintenance of database and software systems.

About my outside employment:

* I will be a part-time, will employee of General Dynamics Information Technology (GDIT). And I will work at the Pentagon.

* I will provide help for any technical issues related to security patches to be applied.

* I will work only two weekday evenings after 6:00 pm or a weekend. Times for patching is based on DoD policy. I estimate 6 - 9 hours of work per week.

* I will be paid (b) (6)

* I am not aware of any EPA assistance agreements (or sub-agreements) or EPA contracts held by the organization for whom my outside services will be provided, including any EPA contractors or subcontractors.

I will use no official duty time or government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 § 6401.102.

(b) (6)

Date:

09/03/16



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 15 2016

OFFICE OF
INSPECTOR GENERAL

To: (b) (6)

As the OIG Deputy Ethics Official, I approve your request to participate in an outside activity to conduct occasional, limited, off-hours work on a contract basis for General Dynamics as an Oracle DBA consultant for US Army ITA at the Pentagon, as provided below.

You described your outside activity as providing services, installing database security patches, on one of the database projects for ITA US Army. You will be a part-time employee of General Dynamics Information Technology (GDIT) and anticipate these services will be provided at the Pentagon, typically on two-weekday evenings after 6pm or on weekends. You estimate working approximately 6 – 9 hours per week at approximately (b) (6)

You described your current responsibilities as an OIG IT Specialist responsible for planning and implementing IT projects. Your OIG work includes system development life-cycle management and maintenance of database and software systems.

You stated that you are not aware of any EPA assistance agreements or sub-agreements, or EPA contracts held by GDIT, including any EPA contractors or subcontractors.

First, you were recently hired by EPA OIG as a GS-14 IT specialist, and therefore, I conclude that it does not appear that the contract position was offered to you because of your official position with EPA-OIG.

Second, I am providing you with the following guidance regarding ethics rules and prohibitions based on your description to OIG Office of Counsel of the activities in which you will be engaged:

- As a reminder, two criminal statutes (described below) generally prohibit employees from representing private interests, including those of a contractor, before the federal Government.

Under 18 USC § 205, federal employees generally cannot serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents employees from serving as agent or attorney for another back to the federal government for compensation, even in their own time. Therefore, for example, you would be

prohibited from representing General Dynamics in the event of an DoD audit, or from negotiating a contract with the federal government on behalf of GDIT.

For more general information regarding communications with the Government with respect to these two statutes, you may wish to consult an OGE website that summarizes this information. (see <http://www.oge.gov/Topics/Outside-Employment-and-Activities/Communications-with-the-Government/>)

- In addition, you should also be aware that under 18 USC § 208, a criminal conflict of interest law, federal employees are prohibited from any personal and substantial participation in any “particular matter” that will have a direct and predictable effect on a financial interest that is imputed to you. Generally, imputed interests include those of your spouse, any organization for which you serve as an employee, director, officer, trustee, or general partner, or with which you are negotiating for, or have an arrangement concerning, prospective employment. The financial conflict of interest prohibition covers “particular matters”, which means any deliberation, decision, or action that is focused on the interests of specific persons.

For example, you should disqualify yourself (i.e., not conduct any work) and should immediately notify your supervisor and contact OIG Office of Counsel if your official duties at EPA OIG involve any matters involving General Dynamics. You are prohibited from working on any matter in which General Dynamics is a specific party (e.g., if you were assigned as part of your official EPA-OIG duty to review or manage purchasing or contracting with General Dynamics).

- Because you are engaging in this outside employment activity in your personal capacity, you may not use or permit the use of your official position or title in a manner that appears to sanction or endorse your personal activities, for the purpose of sanctioning or endorsing such activities, or for inducing any benefit (financial or otherwise) to you or General Dynamics. See 5 CFR 2635.702(a)-(c).
- You have certified that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. If you conduct any work for GDIT during your scheduled EPA-OIG duty-hours, you will need to be on leave, and you are prohibited from using any EPA or EPA-OIG resources (e.g., phone, computer, iphone) for this outside activity.
- As a reminder, you may not use any non-public information from your official position with EPA OIG in your outside activity, including any technology resources.
- As a reminder, EPA Order CIO 2101.0 (formerly 2100.3 A1, prohibits use of Government Office equipment for inappropriate activities (for personal use), which includes using Government office equipment for commercial purposes or in support

of other "for profit" activities such as outside employment or businesses (e.g., selling real estate, preparing tax returns for a fee); therefore, there is no de minimis use of Government Office equipment for your outside activity, which includes your government-issued computer/iphone, and government email account.

- You must continue to abide by the restrictions in 5 CFR Part 2635 and 5 CFR Section 6401.102.

This approval is valid for five years, and a copy of this approval will be retained by the Office of Counsel.

Please note that you will need to seek prior approval before you do any additional work for General Dynamics beyond the matter described in this memorandum, applying security patches for DoD, or for any other outside activity as provided by 5 CFR 6401.

You are also responsible for reporting information regarding this outside position and any income (or as an arrangement for future employment) on your next financial disclosure report (OGE FORM 450), as appropriate.

Alan S. Larsen

A handwritten signature in black ink, appearing to read 'Alan S. Larsen', written in a cursive style.

Counsel to the Inspector General